

4493. Adulteration and misbranding of so-called apple butter, raspberry jam compound, and peach jam compound. U. S. v. William M. Crowley and Charles Crowley (Crowley Commission Co.). Plea of guilty by defendant Charles Crowley. Fine, \$50 and costs. Indictment nolle prossed as to William M. Crowley. (F. & D. No. 6600. I. S. Nos. 5077-h, 5078-h, 5079-h.)

On November 12, 1915, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for the district aforesaid, returned an indictment against William M. Crowley and Charles Crowley, trading as Crowley Commission Co., Vincennes, Ind., charging shipment by said defendants, in violation of the Food and Drugs Act, on October 24, 1913, from the State of Indiana into the State of Illinois, of quantities of so-called apple butter, raspberry jam compound, and peach jam compound, which were adulterated and misbranded. The apple butter was labeled: (Retail package) "Fort Sackville Brand Trade Mark The Worlds Best Old Vincennes Preserving Co., Vincennes Ind." (Sticker) "Apple Butter Apples Sugar & Spices." (Guaranty sticker) "Guaranteed by the Old Vincennes Preserving Co., under Food and Drugs Act, June 30, 1906. Serial Number 51572." (Shipping package) "2 Doz. 16 Oz. Taper Jars. Apple Butter. Old Vincennes Preserving Co., Vincennes, Ind." The raspberry jam compound was labeled: (Retail package) "Raspberry Jam Compound. 40% Corn Syrup, 25% Fruit, 15% Gran Sugar, 20% Apple Juice. Fort Sackville Brand. The Worlds Best. Old Vincennes Preserving Co., Vincennes, Ind. Guaranteed by the Old Vincennes Preserving Co., under Food & Drugs Act, June 30, 1906, Serial Number 51572." (Shipping package) "2 Doz. Assorted Jam." The peach jam compound was labeled: (Retail package) "Peach Jam Compound. 40% Syrup, 25% Fruit, 15% Gran Sugar, 20% Apple Juice. Fort Sackville Brand. The Worlds Best. Old Vincennes Preserving Co., Vincennes, Ind." (Shipping Package) "2 Doz. Assorted Jam."

Analyses of samples of these articles by the Bureau of Chemistry of this department showed the following results:

	Apple butter.	Raspberry jam compound.	Peach jam compound.
Solids, by specific gravity (per cent)...	46.42	70.40	68.22
Nonsugar solids (per cent).....	23.08	32.44	28.49
Sucrose, Clerget (per cent).....	1.46	2.15	7.63
Reducing sugars as invert, before inversion (per cent).....	21.88	35.81	32.10
Commercial glucose (per cent).....	17.54	57.42	53.27
Polarization, direct, 26° C (° V)	+24.7	+95.9	+96.2
Polarization, invert, 26° C (° V)	+22.8	+93.1	+86.3
Polarization, invert, 87° C (° V)	+23.4	+93.6	+86.8
Ash (per cent).....	0.76	0.78	0.78
Acids (cc N/10 alkali per 100 grams)...	110	150	130
Insoluble solids (per cent).....	4.33	0.94	0.20
Phosphoric acid (P ₂ O ₅) (per cent).....	0.06	0.35	0.35
Preservatives:			
Saccharin (per cent).....	0.01	0.014	0.022
Schmidt's test for saccharin.....	Positive.	Positive.	Positive.
Salicylic acid.....	Absent.	Absent.	Absent.
Organoleptic test.....	Tastes like apple butter.	Taste indicates presence of raspberry.	Taste indicates presence of peach.
Color.....	Natural.	Natural.	Natural.

Adulteration of the apple butter was charged in the indictment for the reason that glucose and saccharin had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for apple butter, which the article purported to be. Adultera-

tion was alleged for the further reason that the article was an inferior apple butter, and glucose and saccharin had been mixed therewith so as to conceal such inferiority.

Misbranding of this article was charged for the reason that the following statements appearing on the label aforesaid, to wit, "Apple Butter Apples Sugar & Spices," and "The Worlds Best," were false and misleading in that they indicated to purchasers thereof, and deceived and misled purchasers into the belief, that the article was apple butter of the very best quality and was made from apples, sugar, and spices only, when, in truth and in fact, it was not, but was an apple butter of inferior quality and contained, among other ingredients, to wit, glucose and saccharin. Misbranding was charged for the further reason that the article was an imitation product, and contained, among other ingredients, glucose and saccharin, and was sold under the distinctive name of another article, to wit, apple butter.

Adulteration of the raspberry jam compound was charged for the reason that saccharin had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and further in that saccharin and phosphoric acid had been in part substituted for raspberry jam compound, composed of corn sirup, fruit, granulated sugar, and apple juices, which the article purported to be; and further, in that the article was an inferior raspberry jam compound, and saccharin and phosphoric acid had been mixed therewith in a manner whereby such inferiority was concealed; and further, in that the article contained saccharin, an added deleterious ingredient which might render the same injurious to health.

Misbranding of this article was charged for the reason that the following statements appearing on the label aforesaid, to wit, "Raspberry Jam Compound. 40% Corn sirup, 25% Fruit, 15% Gran Sugar, 20% Apple Juice," and "The Worlds Best," were false and misleading as they indicated to purchasers thereof, and deceived and misled purchasers into the belief, that the article consisted of the very best quality of raspberry jam compound, composed wholly of corn sirup, fruit, granulated sugar, raspberries, and apple juice, when, in truth and in fact, it did not so consist and was not so composed, but was an inferior raspberry jam compound, and was composed in part of saccharin and phosphoric acid. Misbranding was charged for the further reason that the article was an adulterated raspberry jam compound, composed in part of saccharin and phosphoric acid, and was sold under the distinctive name of another article, to wit, raspberry jam compound.

Adulteration of the peach jam compound was charged for the reason that saccharin and glucose had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and further in that glucose, saccharin, and phosphoric acid had been substituted in part for peach jam compound, composed of sirup, fruit, granulated sugar, and apple juice, which the article purported to be; and further in that the article was an inferior peach jam compound, and glucose, saccharin, and phosphoric acid had been mixed therewith in a manner whereby its inferiority was concealed; and further, in that the article contained saccharin, an added deleterious ingredient which might render it injurious to health.

Misbranding of this article was charged for the reason that the following statements, appearing on the labels aforesaid, to wit, "Peach Jam Compound. 40% Syrup, 25% Fruit, 15% Gran Sugar, 20% Apple Juice," and "The Worlds Best," were false and misleading in that they indicated to the purchasers thereof, and deceived and misled purchasers into the belief, that the article consisted of the very best quality of peach jam compound, and was composed

wholly of sirup, fruit, granulated sugar, and apple juice, when, in truth and in fact it did not so consist and was not so composed, but was an inferior peach jam compound, and was composed in part of glucose, saccharin, and phosphoric acid. Misbranding was charged for the further reason that the article was an imitation peach jam compound composed in part of saccharin, glucose, and phosphoric acid, and was sold under the distinctive name of another article, to wit, peach jam compound.

On November 29, 1915, the defendant, Charles Crowley, entered a plea of guilty to the indictment, and the court imposed a fine of \$50 and costs. The indictment was nolle prossed as to William M. Crowley.

C. F. MARVIN, *Acting Secretary of Agriculture.*